UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,074	02/12/2002	Jeffrey Phelan	11908.1021	3129

41434 7590 01/18/2006		EXAMINER
PATTON BOGGS LLP 2550 M STREET NW WASHINGTON, DC 20037-1350		NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/073,074	PHELAN ET AL.
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _14 October 2005_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-42_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-42 are presented for examination.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

   A.   The following terms lack antecedent basis:

   I.   the geographic location of interest   -   claim 9.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-7, 10-21, 24-35 and 38-42 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Tso et al. [US Patent No 6,047,327], in view of Gershman et al. [US Patent
No 6,199,099].

6.   As per claim 1, Tso teaches a method comprising:

receiving a set of information, and a geographic location profile of a user (Col. 1, lines

48-52; Col. 21, lines 32-51);

determining a geographic location based on the set of information (Col. 16, lines 61-67;

Col. 17, lines 1-4);

appending the geographic location to the set of information (Col. 16, lines 61-67; Col. 17,

lines 1-10); and

sending, through a network, the set of information to a machine to be used by the user

depending on (i) the geographic location appended to the set of information (Col. 16, lines 61-

67; Col. 17, lines 1-10) and (ii) the geographic location profile of the user (Col. 1, lines 48-52),

wherein the set of information includes information on at least one of news, business,

entertainment, sports, and people (Col. 5, lines 31-39).

Tso does not specifically disclose

wherein the geographic location profile of the user includes a present and at least one past

geographic location of interest to the user.

Gershman discloses

wherein the geographic location profile of the user includes a present and at least one past

geographic location of interest to the user (Col 38, lines 22-56; col 39, lines 6-26; col 40, lines 1-

5; and col 58, lines 1-7).

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Tso and Gershman because Gershman's teaching of past and present

would permit a user to access vast amounts of information and services without any geographical

boundaries [Gershman, col 2, lines 42-45].

7.   As per claim 2, Tso teaches the method of claim 1, further comprising:

       determining a first data field, and a second data field (Col. 13, lines 50-58);

       comparing the first data field and the second data field to select the set of information

(Col. 13, lines 59-64);

       wherein the first data field includes information based on the geographic location profile

of the user (Col. 13, lines 50-58), and

       wherein the second data field includes information based on the geographic location

appended to the set of information (Col. 14, lines 16-32, lines 35-48).

8.   As per claim 3, Tso teaches the method of claim 2, wherein the second data field

correlates the set of information with at least one geographic location (Col. 14, lines 21-32).

9.   As per claim 4, Tso teaches the method of claim 2, further comprising:

       determining a third data field (Col. 14, lines 52-57); and

       wherein the third data field includes information based on the comparison between the

first data field and the second data field (Col. 13, lines 59-64; Col. 14, lines 16-32, lines 52-57).

10.   As per claim 5, Tso teaches the method of claim 4, wherein at least one of the set of

information, the first data field, the second data field, and the third data field is stored on a

machine-readable medium (Col. 13, lines 49-53).

11.   As per claim 6, it is rejected for similar reasons as stated above in claim 1. Furthermore,

Tso teaches the method of claim 1, wherein the present and at least one past geographic location

of interest to the user includes at least one of the birthplace, hometown, high school, college,

residence, and physical geographic location of at least one of (i) the user itself, and (ii) at least

one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of

the user (Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

12.   As per claim 7, it is rejected for similar reasons as stated above in claim 1. Tso teaches

the method of claim 1, wherein the present and at least one past geographic location of interest to

the user includes a geographic location nearby at least one of the birthplace, hometown, high

school, college, residence, and physical geographic location of at least one of (i) the user itself, .

and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a

competitor of the user (Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

13.   As per claim 10, Tso teaches the method of claim 1, wherein the geographic location

profile of the user is based on at least one of a present and a past geographic location of at least

one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a

colleague, a customer and a competitor of the user (Col. 5, lines 13-30; Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

14.   As per claim 11, Tso teaches the method of claim 10, wherein the present geographic location of the user is determined by the machine (Col. 16, lines 61-67; Col. 17, lines 1-10).

15.   As per claim 12, Tso teaches the method of claim 10, wherein the present geographic location of the user is determined by at least one of a global positioning device and a telecommunication location device (Col. 16, lines 44-49).

16.   As per claim 13, Tso teaches the method of claim 10, wherein the presented geographic location of the user is determined by the user itself (Col. 1, lines 28-33; Col. 16, lines 44-51).

17.   As per claim 14, Tso teaches the method of claim 1, wherein the geographic location profile of the user is based on a geographic location nearby at least one of a present and a past geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Col. 5, lines 13-30; Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

18.   As per claim 15, Tso teaches an apparatus comprising:

a processor (Col. 2, lines 54-67; Col. 3, lines 1-7) to:

receive a set of information, and a geographic location of a user (Col. 1, lines 48-52;

Col. 21, lines 32-51),

determine a geographic location based on the set of information (Col. 16, lines 61-

67; Col. 17, lines 1-4),

append the geographic location to the set of information (Col. 16, lines 61-67; Col.

1-10), and

select the set of information to send to a machine to be used by the user depending

on (i) the geographic location appended to the set of information and (ii) the geographic location

profile of the user (Col. 11, lines 13-35); and

a transmitter coupled to the processor, the transmitter being configured to send, through a

network, the set of information to the machine to be used by the user (Col. 26, lines 62-67),

wherein the set of information includes information on at least one of news, business,

entertainment, sports, and people (Col. 5, lines 31-39).

Tso does not specifically disclose

wherein the geographic location profile of the user includes a present and at least one past

geographic location of interest to the user.

Gershman discloses

wherein the geographic location profile of the user includes a present and at least one past

geographic location of interest to the user (Col 38, lines 22-56; col 39, lines 6-26; col 40, lines 1-

5; and col 58, lines 1-7).

It would have been obvious to a person skill in the art at the time the invention was made
to combine the teaching of Tso and Gershman because Gershman's teaching of past and present
would permit a user to access vast amounts of information and services without any geographical
boundaries [Gershman, col 2, lines 42-45].

19.   Claims 16-21 do not teach or define any new limitations above claims 2-7 and therefore are
rejected for similar reasons.

20.   Claims 24-25 do not teach or define any new limitations above claims 10-11 and therefore
are rejected for similar reasons.

21.   As per claim 26, Tso teaches the apparatus of claim 24, wherein the processor is configured
to determine the present geographic location of the user (Col. 2, lines 54-67; Col. 3, lines 1-7; Col.
16, lines 61-67; Col. 17, lines 1-10).

22.   Claims 27-28 do not teach or define any new limitations above claims 13-14 and therefore
are rejected for similar reasons.

23.   Claims 29-35 do not teach or define any new limitations above claims 1-7 and therefore are
rejected for similar reasons.

24.   Claims 38-42 do not teach or define any new limitations above claims 10-14 and therefore
are rejected for similar reasons.

25.   Claims 8-9, 22-23 and 36-37 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Tso, in view of Gershman, and further in view of Angelucci et al.
(hereinafter Angelucci), US 6,185,573.

26.   As per claim 8, it is rejected for similar reasons as stated above in claim 1. Furthermore,
Tso teaches the method of claim 1, wherein the present and at least one past geographic location
of interest to the user includes a geographic location of interest to at lest one of (i) the user itself,
and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a
competitor of the user (Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

27.   Tso and Gershman do not teach the method wherein the geographic location of interest to
the user includes a zip code.

28.   Angelucci teaches the method wherein the geographic location of interest to the user
includes a zip code (Col. 6, lines 35-47).

29.   It would have been obvious to one of ordinary skill in the art at the time of the invention
to combine the teachings of Angelucci, Tso and Gershman because they both deal with
distribution of electronic information utilizing demographics. Furthermore, the teaching of
Angelucci to allow the method wherein the geographic location of interest to the user includes a
zip code would improve functionality of Tso's system by allocating another location parameter

to be used for distributing information pertaining to a users' geographical information, which would result in more accuracy for relevant information.

30.   As per claim 9, Tso teaches the method of claim 1, wherein the geographical location of interest to the user includes a geographical location nearby a geographical location of interest to at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (Col. 13, lines 59-67; Col. 14, lines 1-6; Col. 21, lines 5-14).

31.   Tso and Gershman do not teach the method wherein the geographic location of interest to the user includes a zip code.

32.   Angelucci teaches the method wherein the geographic location of interest to the user includes a zip code (Col. 6, lines 35-47).

33.   It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Angelucci, Tso and Gershman because they both deal with distribution of electronic information utilizing demographics. Furthermore, the teaching of Angelucci to allow the method wherein the geographic location of interest to the user includes a zip code would improve functionality of Tso's system by allocating another location parameter to be used for distributing information pertaining to a users' geographical information, which would result in more accuracy for relevant information.

34.   Claims 22-23 do not teach or define any new limitations above claims 8-9 and therefore are rejected for similar reasons.

35.   Claims 36-37 do not teach or define any new limitations above claims 8-9 and therefore are

rejected for similar reasons.

36.   Applicant's arguments with respect to claims 1-42 have been considered but are moot in

view of the new ground(s) of rejection.

37.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen
Examiner
Art Unit 2154

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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